

HOUSE BILL No. 6542

October 15, 2008, Introduced by Reps. Johnson, Leland, Donigan, Clemente and Gaffney and referred to the Committee on Transportation.

A bill to amend 1867 PA 35, entitled

"An act to provide for the formation of street railway companies, defining their powers and duties and authorizing the construction, use, maintenance and ownership of street railways for the transportation of passengers, and for accumulating, storing, manufacturing, conducting, using, selling, furnishing and supplying electricity and electric power, by such companies,"

by amending the title and sections 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 23, 25, and 27 (MCL 472.1, 472.3, 472.5, 472.7, 472.9, 472.11, 472.13, 472.15, 472.17, 472.19, 472.23, 472.25, and 472.27) and by adding section 21; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

TITLE

An act to provide for the formation of **NONPROFIT** street railway companies, defining their powers and duties and authorizing the construction, use, maintenance and ownership of street railways

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1 for the transportation of passengers, and for accumulating,
2 storing, manufacturing, conducting, using, selling, furnishing and
3 supplying electricity and electric power, by such companies; TO
4 PRESCRIBE POWERS AND DUTIES OF CERTAIN STATE AND LOCAL AGENCIES AND
5 OFFICIALS; TO PROVIDE REMEDIES AND PENALTIES; TO PROVIDE FOR THE
6 ESTABLISHMENT OF A TRANSIT DEVELOPMENT FINANCE ZONE; AND TO
7 AUTHORIZE THE USE OF TAX INCREMENT FINANCING.

8 Sec. 1. ~~That street railway companies may be organized under~~
9 ~~the provisions of this act. THIS ACT SHALL BE KNOWN AND MAY BE~~
10 ~~CITED AS THE "NONPROFIT STREET RAILWAY COMPANY ACT".~~

11 Sec. 3. ~~Such articles of association shall be signed by the~~
12 ~~persons associating in the first instance, and acknowledged before~~
13 ~~some officer authorized by the laws of this state to take~~
14 ~~acknowledgment of deeds, and shall state—~~

15 ~~—— First. The name by which the corporation shall be known in the~~
16 ~~law.~~

17 ~~—— Second. Definitely and distinctly the purpose for which the~~
18 ~~corporation is formed.~~

19 ~~—— Third. The amount of their capital stock, and the number of~~
20 ~~the shares thereof.~~

21 ~~—— Fourth. The names of the stockholders, their respective~~
22 ~~residences, and the number of shares held by each.~~

23 ~~—— Fifth. The city or village in which the office for the~~
24 ~~transaction of their business shall be located, and where their~~
25 ~~business is to be carried on.~~

26 ~~—— Sixth. The term of the existence of the corporation, which~~
27 ~~shall not exceed 30 years.~~

1 ~~Seventh. The number of the directors of the corporation, and~~
2 ~~the names of those who shall be directors for the first year.~~ **THE**
3 **LEGISLATURE FINDS AND DECLARES THAT THERE EXISTS IN THIS STATE A**
4 **NEED TO ENCOURAGE THE DEVELOPMENT OF TRANSPORTATION FACILITIES BY**
5 **AUTHORIZING THE ACQUIRING, OWNING, CONSTRUCTING, FURNISHING,**
6 **EQUIPPING, COMPLETING, OPERATING, IMPROVING, AND MAINTAINING OF**
7 **NONPROFIT STREET RAILWAY COMPANIES AND SYSTEMS AND THAT STATE**
8 **ASSISTANCE IN ACQUIRING, OWNING, CONSTRUCTING, FURNISHING,**
9 **EQUIPPING, COMPLETING, OPERATING, IMPROVING, AND MAINTAINING**
10 **NONPROFIT STREET RAILWAY COMPANIES AND SYSTEMS IN THIS STATE IS**
11 **DECLARED TO BE A PUBLIC PURPOSE.**

12 ~~Sec. 5. The amount of the capital stock in every such~~
13 ~~corporation shall be fixed and limited by the stockholders in their~~
14 ~~articles of association, and shall in no case be less than 10,000~~
15 ~~dollars, and shall be divided into shares of 100 dollars each; but~~
16 ~~the capital stock and the number of shares thereof may be increased~~
17 ~~at any lawful meeting of the stockholders; and whenever any such~~
18 ~~increase shall be made, a certificate showing the amount of such~~
19 ~~increase, signed by the president and secretary of the company, and~~
20 ~~sealed with its corporate seal, shall be filed in the office of the~~
21 ~~secretary of state. Any such company by its articles of~~
22 ~~association, or by amendment thereto, approved at any lawful~~
23 ~~meeting of the stockholders by vote of 3/4 in interest of its~~
24 ~~capital stock, shall have power to create and issue certificates~~
25 ~~for 2 kinds of stock, namely: General or common stock and preferred~~
26 ~~stock of 1 or more classes; which preferred stock shall at no time~~
27 ~~exceed 80 per centum of the actual capital paid in, and shall be~~

1 ~~subject to redemption at not less than par at a certain time to be~~
2 ~~fixed by the by laws of said corporation, and to be expressed in~~
3 ~~the certificates therefor. And the holder of such preferred stock~~
4 ~~shall be entitled to a fixed dividend, payable quarterly, half~~
5 ~~yearly, or yearly, which said dividend shall be cumulative, payable~~
6 ~~at the time expressed in said certificate, not to exceed 8 per cent~~
7 ~~per annum, before any dividends shall be set apart or paid on the~~
8 ~~common stock. Said corporation shall be controlled by a board of~~
9 ~~directors elected by the preferred and common stockholders,~~
10 ~~excepting when otherwise provided in the articles of association or~~
11 ~~amendments thereto: Provided always, If at any time upon a fair~~
12 ~~valuation of the assets of the corporation the common stock shall~~
13 ~~be impaired in an amount equal to 20 per cent thereof, or any~~
14 ~~annual dividend or accrued dividends for 1 year due on the~~
15 ~~preferred stock shall remain unpaid for 60 days, then holders of~~
16 ~~the preferred stock shall have an equal right with the common~~
17 ~~stock, share and share alike, to participate in the election of~~
18 ~~directors and control of said corporation. If for any reason said~~
19 ~~corporation shall cease business or become insolvent, then after~~
20 ~~the payment of all liabilities and debts, the remainder of the~~
21 ~~assets of such corporation shall be applied first to the payment in~~
22 ~~full of all preferred stock and then unpaid dividends due thereon,~~
23 ~~and the balance divided pro rata, share and share alike, among the~~
24 ~~holders of the common stock. Every corporation organized or~~
25 ~~existing under the provisions of this act may, by its articles of~~
26 ~~association, or by an amendment thereto approved at any lawful~~
27 ~~meeting of stockholders by a vote of 3/4 in interest of its capital~~

1 ~~stock, provide for an issue of common stock of non par value, in~~
2 ~~accordance with subdivision 2 (being sections 6 to 9 both~~
3 ~~inclusive) of part 2, chapter 2 of Act No. 84 of the Public Acts of~~
4 ~~1921. Nothing in this section shall be construed as relieving or~~
5 ~~excepting any such corporation or any person or persons from~~
6 ~~complying with the provisions of Act No. 144 of the Public Acts of~~
7 ~~1909, as amended by Act No. 177 of the Public Acts of 1911, Act No.~~
8 ~~259 of the Public Acts of 1915, and Act No. 381 of the Public Acts~~
9 ~~of 1919.~~

10 (1) THIS ACT SHALL BE CONSTRUED LIBERALLY TO EFFECTUATE THE
11 LEGISLATIVE INTENT AND THE PURPOSE OF THE ACT AS COMPLETE AND
12 INDEPENDENT AUTHORIZATION FOR THE PERFORMANCE OF EACH AND EVERY ACT
13 AND THING AUTHORIZED IN THIS ACT AND ALL POWERS GRANTED IN THIS ACT
14 SHALL BE BROADLY INTERPRETED TO EFFECTUATE THE INTENT AND PURPOSES
15 OF THIS ACT AND NOT AS A LIMITATION OF POWERS.

16 (2) THE POWERS CONFERRED IN THIS ACT UPON A STREET RAILWAY
17 SHALL BE IN ADDITION TO ANY OTHER POWERS THE STREET RAILWAY
18 POSSESSES UNDER LAW. EXCEPT AS OTHERWISE PROVIDED IN THIS ACT, THE
19 PROVISIONS OF THIS ACT APPLY NOTWITHSTANDING ANY RESOLUTION,
20 ORDINANCE, OR CHARTER PROVISION TO THE CONTRARY.

21 Sec. 7. ~~In case it shall happen that an election for directors~~
22 ~~shall not be held as provided the said corporation shall not be,~~
23 ~~for that reason, dissolved, but such election shall be held on some~~
24 ~~future day, to be fixed by the directors holding over, upon giving~~
25 ~~the notice thereof, as in this act provided, and all acts of the~~
26 ~~directors shall be binding upon such corporation. AS USED IN THIS~~
27 **ACT:**

1 (A) "DEPARTMENT" MEANS THE DEPARTMENT OF TRANSPORTATION, THE
2 PRINCIPAL DEPARTMENT CREATED UNDER SECTION 350 OF THE EXECUTIVE
3 ORGANIZATION ACT OF 1965, 1965 PA 380, MCL 16.450.

4 (B) "METROPOLITAN AUTHORITY" MEANS AN AUTHORITY WITH POWERS,
5 DUTIES, AND JURISDICTIONS AS THE LEGISLATURE SHALL PROVIDE CREATED
6 UNDER SECTION 27 OF ARTICLE VII OF THE STATE CONSTITUTION OF 1963.

7 (C) "NONPROFIT CORPORATION" MEANS THAT TERM AS DEFINED UNDER
8 SECTION 108 OF THE NONPROFIT CORPORATION ACT, 1982 PA 162, MCL
9 450.2108.

10 (D) "PUBLIC STREET OR HIGHWAY" MEANS ANY IMPROVED THOROUGHFARE
11 MAINTAINED BY A ROAD AUTHORITY THAT HAS BEEN DEDICATED AND
12 CONSTRUCTED IN ACCORDANCE WITH LAW.

13 (E) "QUALIFIED CITY" MEANS A CITY IN THIS STATE THAT CONTAINS
14 AN AUTOMATED LIGHT RAIL SYSTEM THAT OPERATES ON AN ELEVATED SINGLE
15 TRACK LOOP OF AT LEAST 2 MILES THAT IS OPERATED AND MAINTAINED BY A
16 PUBLIC BODY CORPORATE FORMED UNDER THE URBAN COOPERATION ACT OF
17 1967, 1967 (EX SESS) PA 7, MCL 124.501 TO 124.512, FOR THE PURPOSE
18 OF ACQUIRING, OWNING, CONSTRUCTING, FURNISHING, EQUIPPING,
19 COMPLETING, OPERATING, IMPROVING, OR DISPOSING OF A CENTRAL
20 AUTOMATED TRANSIT SYSTEM.

21 (F) "QUALIFIED NONPROFIT CORPORATION" MEANS A NONPROFIT
22 CORPORATION ORGANIZED PRIOR TO THE EFFECTIVE DATE OF THIS
23 AMENDATORY ACT THAT ADDED THIS SUBDIVISION THAT SATISFIES BOTH OF
24 THE FOLLOWING:

25 (i) THE NONPROFIT CORPORATION INCLUDES AMONG THE PURPOSES FOR
26 WHICH THE CORPORATION WAS ORGANIZED THE AUTHORIZATION TO PLAN,
27 DESIGN, CONSTRUCT, EQUIP, FURNISH, AND OPERATE FOR ITSELF OR BY

1 CONTRACT A PUBLIC TRANSPORTATION FACILITY, THAT INCLUDES, BUT IS
2 NOT LIMITED TO, STREET RAILWAYS, MOTOR BUS, TRAMLINES, MONORAILS,
3 HOVERCRAFT, AND RAIL RAPID TRANSIT.

4 (ii) THE NONPROFIT CORPORATION IS AUTHORIZED TO USE IN ITS NAME
5 OR AS ITS NAME THE WORDS "RAIL", "LIGHT RAIL", OR "METRO RAIL".

6 (G) "RAILROAD" MEANS THAT TERM AS DEFINED UNDER SECTION 109 OF
7 THE RAILROAD CODE OF 1993, 1993 PA 354, MCL 462.109.

8 (H) "ROAD AUTHORITY" MEANS A GOVERNMENTAL AGENCY HAVING
9 JURISDICTION OVER PUBLIC STREETS AND HIGHWAYS. ROAD AUTHORITY
10 INCLUDES THE DEPARTMENT, ANY OTHER STATE AGENCY, AND
11 INTERGOVERNMENTAL, COUNTY, CITY, AND VILLAGE GOVERNMENTAL AGENCIES
12 RESPONSIBLE FOR THE CONSTRUCTION, REPAIR, AND MAINTENANCE OF
13 STREETS AND HIGHWAYS.

14 (I) "STREET RAILWAY" MEANS A NONPROFIT CORPORATION ORGANIZED
15 UNDER THIS ACT FOR THE PURPOSE OF OPERATING A STREET RAILWAY SYSTEM
16 OTHER THAN A RAILROAD TRAIN FOR TRANSPORTING PERSONS OR PROPERTY.

17 (J) "STREET RAILWAY SYSTEM" MEANS THE FACILITIES, EQUIPMENT,
18 AND PERSONNEL REQUIRED TO PROVIDE AND MAINTAIN A PUBLIC
19 TRANSPORTATION SYSTEM OPERATED ON RAILS PRINCIPALLY WITHIN A CITY,
20 VILLAGE, OR TOWNSHIP UTILIZING STRETCARS, TROLLEYS, OR TRAMS FOR
21 THE TRANSPORTATION OF PERSONS OR PROPERTY.

22 ~~Sec. 9. The directors shall choose, by ballot, a president who~~
23 ~~shall be 1 of the directors, and they shall also choose a secretary~~
24 ~~and treasurer, who shall hold their offices during such time as the~~
25 ~~by laws of the company shall prescribe, and until others are chosen~~
26 ~~in their stead; and the directors shall supply any vacancy in the~~
27 ~~office of president, secretary or treasurer, whenever the same~~

1 ~~shall occur.~~

2 (1) AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED
3 THIS SUBSECTION, 1 OR MORE PERSONS MAY ORGANIZE A NONPROFIT
4 CORPORATION UNDER THIS ACT AND THE NONPROFIT CORPORATION ACT, 1982
5 PA 162, MCL 450.2101 TO 450.3192, FOR THE PURPOSE OF ACQUIRING,
6 OWNING, CONSTRUCTING, FURNISHING, EQUIPPING, COMPLETING, OPERATING,
7 IMPROVING, AND MAINTAINING A STREET RAILWAY SYSTEM BY SIGNING IN
8 INK AND FILING ARTICLES OF INCORPORATION FOR THE STREET RAILWAY.
9 THE ARTICLES SHALL INCLUDE ALL OF THE FOLLOWING:

10 (A) THE NAME OF THE STREET RAILWAY, WHICH MAY INCLUDE THE
11 WORDS "RAIL", "RAILWAY", "STREET RAILWAY", "LIGHT RAIL", OR "METRO
12 RAIL".

13 (B) THE PURPOSE FOR WHICH THE CORPORATION IS ORGANIZED, WHICH
14 SHALL BE LIMITED TO ACQUIRING, OWNING, CONSTRUCTING, FURNISHING,
15 EQUIPPING, COMPLETING, OPERATING, IMPROVING, AND MAINTAINING A
16 STREET RAILWAY SYSTEM.

17 (C) THE CITY, VILLAGE, OR TOWNSHIP IN WHICH THE STREET RAILWAY
18 SYSTEM WILL PRINCIPALLY OPERATE.

19 (2) ARTICLES OF INCORPORATION SHALL BE FILED WITH THE BUREAU
20 OF COMMERCIAL SERVICES OF THE DEPARTMENT OF LABOR AND ECONOMIC
21 GROWTH AS PROVIDED UNDER THE NONPROFIT CORPORATION ACT, 1982 PA
22 162, MCL 450.2101 TO 450.3192.

23 (3) THE NONPROFIT CORPORATION ACT, 1982 PA 162, MCL 450.2101
24 TO 450.3192, SHALL APPLY TO A STREET RAILWAY ORGANIZED UNDER THIS
25 SECTION UNLESS OTHERWISE PROVIDED IN OR INCONSISTENT WITH THIS ACT.

26 Sec. 11. ~~The directors may require the subscribers, to the~~
27 ~~capital stock of the company to pay the amount by them respectively~~

~~1 subscribed, in such manner, and in such installments as they may
2 deem proper. If any stockholder shall neglect to pay any
3 installment as required by a resolution of the board of directors,
4 the said board, shall be authorized to sue for the same, or declare
5 his stock and all previous payments thereon forfeited for the use
6 of the company, but they shall not declare it so forfeited until
7 they shall have caused a notice, in writing, to be served on him
8 personally, or by depositing the same in the postoffice properly
9 directed to him at the postoffice nearest his usual place of
10 residence, stating that he is required to make such payment at the
11 time and place specified in said notice, and that if he fails to
12 make the same, his stock and all previous payments thereon will be
13 forfeited for the use of the company, which notice shall be served
14 as aforesaid, at least 60 days previous to the day on which such
15 payment is required to be made.~~

16 (1) A QUALIFIED NONPROFIT CORPORATION MAY BECOME A STREET
17 RAILWAY UNDER THIS ACT AND ACQUIRE, OWN, CONSTRUCT, FURNISH, EQUIP,
18 COMPLETE, OPERATE, IMPROVE, AND MAINTAIN A STREET RAILWAY SYSTEM IN
19 A QUALIFIED CITY IF ON AND AFTER THE EFFECTIVE DATE OF THE
20 AMENDATORY ACT THAT ADDED THIS SUBSECTION THE ARTICLES OF
21 INCORPORATION FOR THE QUALIFIED NONPROFIT CORPORATION ARE AMENDED
22 TO INCLUDE ALL OF THE FOLLOWING PROVISIONS:

23 (A) A PROVISION AUTHORIZING THE NAME OF THE CORPORATION, TO
24 INCLUDE THE WORDS "RAIL", "RAILWAY", OR "STREET RAILWAY", "LIGHT
25 RAIL", OR "METRO RAIL".

26 (B) A PROVISION INCLUDING AMONG THE PURPOSES FOR WHICH THE
27 CORPORATION IS ORGANIZED THE PURPOSE OF ACQUIRING, OWNING,

1 CONSTRUCTING, FURNISHING, EQUIPPING, COMPLETING, OPERATING,
2 IMPROVING, AND MAINTAINING A STREET RAILWAY SYSTEM.

3 (C) A PROVISION INDICATING THE QUALIFIED CITY IN WHICH THE
4 STREET RAILWAY SYSTEM WILL PRINCIPALLY OPERATE.

5 (2) AMENDMENTS TO THE ARTICLES OF INCORPORATION OF A NONPROFIT
6 CORPORATION UNDER THIS SECTION SHALL BE ADOPTED AND FILED WITH THE
7 BUREAU OF COMMERCIAL SERVICES OF THE DEPARTMENT OF LABOR AND
8 ECONOMIC GROWTH AS PROVIDED UNDER THE NONPROFIT CORPORATION ACT,
9 1982 PA 162, MCL 450.2101 TO 450.3192.

10 (3) THE NONPROFIT CORPORATION ACT, 1982 PA 162, MCL 450.2101
11 TO 450.3192, SHALL APPLY TO A STREET RAILWAY ORGANIZED UNDER THIS
12 SECTION UNLESS OTHERWISE PROVIDED IN OR INCONSISTENT WITH THIS ACT.

13 Sec. 13. ~~Any A street railway corporation organized under the~~
14 ~~provisions of this act, may , with the consent of the corporate~~
15 ~~authorities of any city or village, given in and by an ordinance or~~
16 ~~ordinances duly enacted for that purpose, and under such rules,~~
17 ~~regulations and conditions as in and by such ordinance or~~
18 ~~ordinances shall be prescribed, ACQUIRE, OWN, construct, use,~~
19 **FURNISH, EQUIP, COMPLETE, OPERATE, IMPROVE, AND maintain and own a**
20 **street railway for the transportation of passengers SYSTEM** in and
21 upon the lines of such streets and ways, in said city or village,
22 as shall be designated and granted from time to time for that
23 purpose, in the ordinance or ordinances granting such consent; but
24 **no such HIGHWAYS OF A ROAD AUTHORITY WITH THE CONSENT OF THE ROAD**
25 **AUTHORITY, ON TERMS AND CONDITIONS APPROVED BY THE ROAD AUTHORITY.**
26 **WHEN OPERATING IN AND UPON THE STREETS AND HIGHWAYS OF A ROAD**
27 **AUTHORITY, A STREET RAILWAY IS SUBJECT TO RULES, REGULATIONS, OR**

1 **ORDINANCES IMPOSED BY THE ROAD AUTHORITY. A STREET** railway company
2 shall **NOT** construct any **STREET** railway **SYSTEM** in **AND UPON** the
3 streets **AND HIGHWAYS** of any ~~city or village~~ **A ROAD AUTHORITY** until
4 the **STREET RAILWAY** company shall have ~~accepted~~ **ACCEPTS** in writing
5 the ~~ANY~~ terms and conditions upon which they are permitted to use
6 said streets; and any such company may extend, construct, use and
7 maintain their road in and along streets or highways of any
8 township adjacent to said city or village, upon such terms and
9 conditions as may be agreed upon by the company and the township
10 board of the township, which agreement, and the acceptance by the
11 company of the terms thereof, shall be recorded by the township
12 clerk in the records of his township. Any company organized under
13 the provisions of this act may construct, use, maintain and own a
14 street railway for the transportation of passengers in and along
15 the streets and highways of any township upon such terms and
16 conditions as may be agreed upon by the company and the township
17 board of the township, which agreement, and the acceptance by the
18 company of the terms thereof, shall be recorded by the township
19 clerk in the records of the township; and any such company **IMPOSED**
20 **BY THE ROAD AUTHORITY. A STREET RAILWAY** may **ACQUIRE, OWN,**
21 construct, use, ~~FURNISH, EQUIP, COMPLETE, OPERATE, IMPROVE, AND~~
22 maintain and own a street railway **SYSTEM** upon private rights of
23 way, and all such companies shall, when **IT IS** necessary **FOR A**
24 **STREET RAILWAY** to enter upon and use private property in such
25 construction and operation, ~~FOR ACQUIRING, OWNING, CONSTRUCTING,~~
26 **FURNISHING, EQUIPPING, COMPLETING, OPERATING, IMPROVING, AND**
27 **MAINTAINING A STREET RAILWAY SYSTEM. THE STREET RAILWAY SHALL** have

1 ~~the same power and right of eminent domain as is now possessed by~~
2 ~~railroad companies. All proceedings at law or in equity necessary~~
3 ~~to give this section effect shall be the same as proceedings for~~
4 ~~the condemnation of property for companies organized under the~~
5 ~~general railroad law and all statutes relative to the exercise of~~
6 ~~the right of eminent domain for railroad purposes are hereby made~~
7 ~~applicable to proceedings under this act: Provided, That any such~~
8 ~~company may construct, use, maintain and own a street railway as is~~
9 ~~herein provided along any highway heretofore laid out or~~
10 ~~constructed or hereafter to be laid out or constructed by the board~~
11 ~~of county road commissioners or any highway adopted as a county~~
12 ~~road by the board of county road commissioners and under their~~
13 ~~control, upon such terms and conditions as may be agreed upon by~~
14 ~~the company and the said board of county road commissioners, with~~
15 ~~the approval of a majority of the board of supervisors, which~~
16 ~~agreement, and the acceptance by the company of the terms thereof,~~
17 ~~shall be recorded by the county clerk in the records of said board.~~
18 ~~Excepting, however, that whenever the right of way for such~~
19 ~~railways is acquired by the exercise of the power and right of~~
20 ~~eminent domain, the person, association or corporation acquiring~~
21 ~~the same under and by virtue of such power and right, shall not~~
22 ~~thereby acquire any right, title or interest in and to any ores or~~
23 ~~minerals either upon or beneath the surface of such part of the~~
24 ~~right of way, but the same shall remain the property of the owners~~
25 ~~of the land or ores and minerals at the time the right of way is so~~
26 ~~acquired. And said owners may, without let or hindrance, mine, take~~
27 ~~and carry away all such ores and minerals, and in doing so the said~~

1 ~~owners shall not be required to protect the surface of such right~~
2 ~~of way from being damaged or endangered by the removal of such ores~~
3 ~~and minerals. Any corporation organized under this act shall have~~
4 ~~the following additional powers, that is to say: To generate, and~~
5 ~~transmit for itself and furnish and sell electricity and electric~~
6 ~~power, and storing it, and dispensing and dividing it subject to~~
7 ~~the regulations of cities, villages and townships where sold among~~
8 ~~those who wish to purchase or lease it: Provided, That any~~
9 ~~corporation organized under this act which shall engage in the~~
10 ~~business of generating, transmitting, selling or distributing~~
11 ~~electricity shall be subject to the relevant provisions of all laws~~
12 ~~of this state relative to the regulation of the business of~~
13 ~~generating, transmitting, selling or distributing electricity for~~
14 ~~any of the purposes mentioned in this act.~~ **TO OBTAIN PROPERTY UNDER**
15 **THE UNIFORM CONDEMNATION PROCEDURES ACT, 1980 PA 87, MCL 213.51 TO**
16 **213.75, IN THE SAME MANNER AS A RAILROAD UNDER SECTION 241 OF THE**
17 **RAILROAD CODE OF 1993, 1993 PA 354, MCL 462.241.**

18 **(3) AFTER A ROAD AUTHORITY CONSENTS TO THE ACQUIRING, OWNING,**
19 **CONSTRUCTING, FURNISHING, EQUIPPING, COMPLETING, OPERATING,**
20 **IMPROVING, AND MAINTAINING OF A STREET RAILWAY SYSTEM ON THE**
21 **STREETS OR HIGHWAYS OF THE ROAD AUTHORITY OR GRANTS A RIGHT OR**
22 **PRIVILEGE TO THE STREET RAILWAY, THE ROAD AUTHORITY MAY NOT REVOKE**
23 **THE CONSENT OR DEPRIVE THE COMPANY OF THE RIGHTS AND PRIVILEGES**
24 **CONFERRED WITHOUT AFFORDING THE STREET RAILWAY PROCEDURAL DUE**
25 **PROCESS OF LAW.**

26 **(4) A STREET RAILWAY MAY DO 1 OR MORE OF THE FOLLOWING:**

27 **(A) ACQUIRE BY GIFT, DEVISE, TRANSFER, EXCHANGE, PURCHASE,**

1 LEASE, OR OTHERWISE ON TERMS AND CONDITIONS AND IN A MANNER THE
2 STREET RAILWAY CONSIDERS PROPER PROPERTY OR RIGHTS OR INTERESTS IN
3 PROPERTY RELATING TO THE OPERATION OF THE STREET RAILWAY OR STREET
4 RAILWAY SYSTEM.

5 (B) TAKE, TRANSPORT, OR CARRY AND CONVEY PERSONS AND PROPERTY
6 ON A STREET RAILWAY SYSTEM AND RECEIVE COMPENSATION FOR THAT
7 PURPOSE.

8 (C) ERECT AND MAINTAIN ALL NECESSARY AND CONVENIENT BUILDINGS,
9 STRUCTURES, STATIONS, DEPOTS, FIXTURES, AND MACHINERY FOR THE
10 ACCOMMODATION AND USE OF THE STREET RAILWAY PASSENGERS AND PROPERTY
11 TRANSPORTED BY THE STREET RAILWAY.

12 (D) REGULATE THE TIME AND MANNER IN WHICH PERSONS AND PROPERTY
13 MAY BE TRANSPORTED BY THE STREET RAILWAY AND FARES OR OTHER
14 COMPENSATION MAY BE PAID FOR THAT PURPOSE. A STREET RAILWAY MAY
15 CHARGE JUST AND FAIR COMPENSATION FOR THE USE OF ITS STREET RAILWAY
16 SYSTEM.

17 (E) BORROW MONEY AND ISSUE BONDS AND NOTES FOR ANY
18 INDEBTEDNESS INCURRED AND MAY MORTGAGE THEIR STREET RAILWAY
19 PROPERTY AND RIGHTS TO SECURE THE PAYMENT OF BONDS, NOTE, MONEY
20 BORROWED, AND ANY AND ALL DEBTS AND LIABILITIES WHICH THE STREET
21 RAILWAY MAY INCUR.

22 ~~Sec. 15. Any street railway company may also purchase or~~
23 ~~acquire, either at public or private sale, whether judicial or~~
24 ~~otherwise; or may hire any street railway in any city, village or~~
25 ~~township owned by any other corporation or company, together with~~
26 ~~all the real and personal estate belonging thereto, and the rights,~~
27 ~~privileges and franchises thereof, and may use, maintain, and~~

1 ~~complete such road, and may use and enjoy the rights, privileges~~
2 ~~and franchises of such company in the same manner and upon the same~~
3 ~~terms as the company whose road and franchise, so acquired, might~~
4 ~~have done; or may lease, sell and convey its railway, together with~~
5 ~~the rights, privileges and franchises thereof to any other street~~
6 ~~railway company subject to such terms and limitations as may be~~
7 ~~expressed in this act. Every street railway company may also~~
8 ~~purchase, hold, own or take upon lease such real estate, barns,~~
9 ~~stables, buildings, fixtures and property as may be necessary for~~
10 ~~the use and business of their road; and the whole or any part~~
11 ~~thereof, together with their railway fixtures, property and~~
12 ~~appurtenances, rights, privileges and franchises may sell, lease,~~
13 ~~dispose of, pledge or mortgage whenever the corporation shall deem~~
14 ~~it expedient so to do: Provided, however, That no company shall,~~
15 ~~under the provisions hereof, lease, purchase, or acquire a~~
16 ~~competing road. Any street railway may also, as an incident to its~~
17 ~~business and for the better service for the public, acquire, own,~~
18 ~~lease or hire motor vehicles and may, upon compliance with all~~
19 ~~laws, state and municipal, authorizing the operation and regulating~~
20 ~~the use of motor vehicles on the highway, operate the same on and~~
21 ~~over the public highways of this state for the transportation of~~
22 ~~such persons and property as it may lawfully transport on its~~
23 ~~railway: Provided, No such motor vehicle equipment shall be used to~~
24 ~~do a local business in any municipality in this state without the~~
25 ~~permission of the municipality in which such local business is~~
26 ~~wholly carried on. Any street railway may also acquire and own the~~
27 ~~capital stock of any corporation owning or operating motor vehicles~~

1 ~~for the purpose and in the manner hereinbefore stated: Provided~~
 2 ~~further, Nothing herein contained shall be understood as obviating~~
 3 ~~the necessity for obtaining any franchise now required by law and a~~
 4 ~~certificate of public convenience and necessity from the Michigan~~
 5 ~~public utilities commission as provided in Act No. 209 of the~~
 6 ~~Public Acts of 1923 and any amendments thereto. SUBJECT TO~~
 7 **APPLICABLE LAW AND ANY APPLICABLE REGULATIONS OF A COUNTY, CITY,**
 8 **TOWNSHIP, OR VILLAGE, A STREET RAILWAY MAY DO 1 OR MORE OF THE**
 9 **FOLLOWING:**

10 (A) **GENERATE, STORE, TRANSMIT, DISTRIBUTE, DISPENSE, FURNISH,**
 11 **OR USE ELECTRICITY AND ELECTRIC POWER FOR THE STREET RAILWAY AND**
 12 **THE STREET RAILWAY SYSTEM.**

13 (B) **GENERATE, STORE, TRANSMIT, DISTRIBUTE, DISPENSE, FURNISH,**
 14 **OR SELL ELECTRICITY AND ELECTRIC POWER TO OTHER PERSONS OR**
 15 **ENTITIES.**

16 Sec. 17. (1) ~~In constructing their railways every such company~~
 17 **A STREET RAILWAY SYSTEM, A STREET RAILWAY** shall conform to the
 18 grades established ~~, or which may be established, by the common~~
 19 ~~council or other corporate authorities of the city, village or~~
 20 ~~township, for the~~ **BY A ROAD AUTHORITY FOR A PUBLIC street OR**
 21 **HIGHWAY** traversed by ~~said railways, nor shall the company at any~~
 22 ~~time~~ **THE STREET RAILWAY.**

23 (2) **A STREET RAILWAY SHALL NOT** alter or change the grade or
 24 line of any **PUBLIC street OR HIGHWAY**, without the consent of the
 25 ~~common council or other corporate authorities of the city, village~~
 26 ~~or township, first had and obtained.~~ **ROAD AUTHORITY WITH PUBLIC**
 27 **JURISDICTION OVER THE PUBLIC STREET OR HIGHWAY.**

1 (3) A STREET RAILWAY SHALL LAY AND MAINTAIN THE TRACK OF A
2 STREET RAILWAY SYSTEM IN A MANNER AND WITH THE TYPE OF TRACK TO
3 KEEP THE TRACK AND THE PAVEMENT OF THE PUBLIC STREET OR HIGHWAY
4 ADJACENT TO THE TRACK IN A STATE OF CONDITION AND REPAIR AS
5 PRESCRIBED BY THE ROAD AUTHORITY WITH JURISDICTION OVER THE PUBLIC
6 STREET OR HIGHWAY.

7 ~~Sec. 19. The common council or other corporate authorities of~~
8 ~~the city or village, in which any street railway shall be located,~~
9 ~~may from time to time, by ordinance or otherwise, establish and~~
10 ~~prescribe such rules and regulations in regard to said railway, as~~
11 ~~may be required for the grading, paving and repairing the street,~~
12 ~~and the construction of sewers, drains, reservoirs and crossings,~~
13 ~~and the laying of gas and water pipes, upon, in and along the~~
14 ~~streets traversed by such road, and to prevent obstructions~~
15 ~~thereon.~~ A ROAD AUTHORITY MAY ESTABLISH AND PRESCRIBE RULES AND
16 REGULATIONS APPLICABLE TO A STREET RAILWAY OPERATING IN OR UPON A
17 PUBLIC STREET OR HIGHWAY UNDER THE JURISDICTION OF A ROAD AUTHORITY
18 RELATING TO 1 OR MORE OF THE FOLLOWING SUBJECTS:

19 (A) GRADING, PAVING, OBSTRUCTION, OR REPAIRING OF A STREET OR
20 HIGHWAY.

21 (B) CONSTRUCTION, MAINTENANCE, OR OBSTRUCTION OF PUBLIC
22 SERVICE FACILITIES, INCLUDING WATER, LIGHT, HEAT, POWER, SEWAGE
23 DISPOSAL, AND TRANSPORTATION.

24 SEC. 21. (1) IF A PERSON REFUSES TO PAY A FARE OWED TO A
25 STREET RAILWAY OR REFUSES TO OBEY REGULATIONS ESTABLISHED BY THE
26 STREET RAILWAY FOR THE CONVENIENCE AND SAFETY OF PASSENGERS, THE
27 STREET RAILWAY MAY REMOVE THE PERSON FROM THE STREETCAR, TRAM, OR

1 TROLLEY AT A USUAL STOPPING PLACE.

2 (2) A PERSON WHO CAUSES OR ATTEMPTS TO CAUSE THE DERAILMENT OF
3 A STREETCAR, TRAM, OR TROLLEY OF A STREET RAILWAY BY THE PLACING OF
4 AN IMPEDIMENT UPON THE TRACK OF A STREET RAILWAY, WHETHER THE
5 STREETCAR, TRAM, OR TROLLEY IS DISLODGED FROM THE TRACK OR NOT, OR
6 WHO BY ANY OTHER MEANS WHATSOEVER WILLFULLY ENDANGERS OR ATTEMPTS
7 TO ENDANGER THE LIFE OF ANY PERSON ENGAGED IN THE WORK OF THE
8 STREET RAILWAY, OR ANY PERSON TRAVELING ON THE STREETCAR, TRAM, OR
9 TROLLEY OF THE STREET RAILWAY, IS GUILTY OF A FELONY PUNISHABLE BY
10 IMPRISONMENT FOR LIFE OR ANY NUMBER OF YEARS. PROOF THAT THE PERSON
11 INTENDED TO INJURE OR ENDANGER THE LIFE OF ANY PARTICULAR PERSON IS
12 NOT REQUIRED TO PROVE A VIOLATION OF THIS SECTION.

13 (3) A PERSON WHO THROWS A STONE, BRICK, OR OTHER MISSILE AT A
14 STREETCAR, TRAM, OR TROLLEY OF A STREET RAILWAY IS GUILTY OF A
15 MISDEMEANOR PUNISHABLE BY A FINE OF NOT LESS THAN \$100.00 OR MORE
16 THAN \$500.00 OR IMPRISONMENT FOR NOT LESS THAN 10 DAYS OR MORE THAN
17 90 DAYS, OR BOTH.

18 ~~Sec. 23. If the directors of any company formed under this act~~
19 ~~shall declare or pay any dividend when the company is insolvent, or~~
20 ~~the payment of which would render it insolvent, or which would~~
21 ~~diminish the amount of its capital stock, they and all stockholders~~
22 ~~who shall knowingly accept or receive such dividend, shall be~~
23 ~~jointly and severally individually liable for all the debts of such~~
24 ~~company then existing and for all that shall be thereafter~~
25 ~~contracted, while they shall respectively continue stockholders or~~
26 ~~in office.~~

27 (1) AT THE REQUEST OF A STREET RAILWAY, THE DEPARTMENT MAY

1 ESTABLISH A TRANSIT DEVELOPMENT FINANCE ZONE FOR A STREET RAILWAY
2 SYSTEM IF THE DEPARTMENT DETERMINES THAT IT IS NECESSARY FOR THE
3 BEST INTERESTS OF THE PUBLIC TO PROMOTE AND FINANCE TRANSIT
4 DEVELOPMENT IN A ZONE. A PARCEL SHALL NOT BE INCLUDED IN MORE THAN
5 1 ZONE CREATED UNDER THIS SECTION.

6 (2) THE BOUNDARIES OF A ZONE SHALL BE ESTABLISHED BY THE
7 DEPARTMENT AND MAY INCLUDE PARCELS THAT ARE NOT GREATER THAN 1 MILE
8 IN DISTANCE FROM A STREET RAILWAY SYSTEM OPERATED BY THE STREET
9 RAILWAY. BEFORE ESTABLISHING A ZONE, THE DEPARTMENT SHALL CONSULT
10 WITH AFFECTED MUNICIPALITIES, COUNTIES, STREET RAILWAYS, PUBLIC
11 TRANSPORTATION AGENCIES, PRIVATE TRANSPORTATION PROVIDERS, AND ANY
12 OTHER PERSON OR ENTITY THAT THE DEPARTMENT CONSIDERS NECESSARY
13 BEFORE DESIGNATING A ZONE. THE DEPARTMENT MAY CONDUCT A PLANNING
14 STUDY AND MAY DESIGNATE A ZONE IN ADVANCE OF IMPLEMENTATION OF
15 STREET RAILWAY SYSTEM SERVICE ASSOCIATED WITH A ZONE.

16 (3) THE DEPARTMENT SHALL ENTER INTO AN AGREEMENT WITH THE
17 AFFECTED MUNICIPALITIES AND THE STREET RAILWAY TO CREATE A ZONE.
18 THE AGREEMENT SHALL INCLUDE ALL OF THE FOLLOWING:

19 (A) THE GEOGRAPHIC BOUNDARIES OF THE ZONE, INCLUDING BOTH OF
20 THE FOLLOWING:

21 (i) THE DESIGNATION OF BOUNDARIES OF THE ZONE IN RELATION TO
22 HIGHWAYS, STREETS, STREAMS, LAKES, OTHER BODIES OF WATER, OR
23 OTHERWISE.

24 (ii) THE LOCATION AND EXTENT OF EXISTING STREETS AND OTHER
25 PUBLIC FACILITIES WITHIN THE ZONE, DESIGNATING THE LOCATION,
26 CHARACTER, AND EXTENT OF THE CATEGORIES OF PUBLIC AND PRIVATE LAND
27 USES THEN EXISTING IN THE ZONE, INCLUDING RESIDENTIAL,

1 RECREATIONAL, COMMERCIAL, INDUSTRIAL, EDUCATIONAL, AND OTHER USES,
2 AND INCLUDING A LEGAL DESCRIPTION OF THE ZONE.

3 (B) A TAX INCREMENT FINANCING PLAN FOR THE ZONE.

4 (C) A DESCRIPTION OF SPECIFIC ACTIONS TO BE TAKEN BY THE
5 PARTIES UNDER THE AGREEMENT TO HELP ESTABLISH THE ZONE.

6 (D) THE REQUIREMENT THAT AMENDMENTS TO THE AGREEMENT MUST BE
7 APPROVED BY THE DEPARTMENT, AFFECTED MUNICIPALITIES, AND THE STREET
8 RAILWAY.

9 (E) ANY OTHER MATERIAL THAT THE DEPARTMENT, AFFECTED
10 MUNICIPALITIES, OR THE STREET RAILWAY CONSIDERS NECESSARY OR
11 APPROPRIATE.

12 (4) AN AGREEMENT DESIGNATING A ZONE AND ESTABLISHING ITS
13 BOUNDARIES UNDER SUBSECTION (3) AND ANY AMENDMENTS TO THE AGREEMENT
14 SHALL BE FILED BY THE DEPARTMENT WITH THE SECRETARY OF STATE.

15 (5) A TAX INCREMENT FINANCING PLAN FOR A ZONE ESTABLISHED
16 UNDER THIS SECTION SHALL INCLUDE A DETAILED EXPLANATION OF THE TAX
17 INCREMENT PROCEDURE AND A STATEMENT OF THE ESTIMATED IMPACT OF TAX
18 INCREMENT FINANCING ON THE ASSESSED VALUE OF ALL TAXING
19 JURISDICTIONS IN WHICH THE ZONE IS LOCATED. THE PLAN SHALL PROVIDE
20 FOR THE USE OF PART OR ALL OF THE CAPTURED ASSESSED VALUE BY THE
21 STREET RAILWAY FOR THE EXPENSES OF OPERATING THE STREET RAILWAY,
22 WITH ANY PORTION USED CLEARLY STATED IN THE TAX INCREMENT FINANCING
23 PLAN. THE DEPARTMENT AND AFFECTED MUNICIPALITIES MAY EXCLUDE FROM
24 CAPTURED ASSESSED VALUE GROWTH IN PROPERTY VALUE RESULTING SOLELY
25 FROM INFLATION. THE PLAN SHALL SET FORTH THE METHOD FOR EXCLUDING
26 GROWTH IN PROPERTY VALUE RESULTING SOLELY FROM INFLATION. BEFORE
27 INCLUDING A TAX INCREMENT FINANCING PLAN IN AN AGREEMENT UNDER

1 SUBSECTION (3), THE DEPARTMENT SHALL PROVIDE A REASONABLE
2 OPPORTUNITY TO THE TAXING JURISDICTIONS LEVYING TAXES SUBJECT TO
3 CAPTURE TO MEET WITH THE DEPARTMENT. THE DEPARTMENT SHALL FULLY
4 INFORM THE TAXING JURISDICTIONS OF THE FISCAL AND ECONOMIC
5 IMPLICATIONS OF THE PLAN. THE TAXING JURISDICTIONS MAY PRESENT
6 THEIR RECOMMENDATIONS TO THE DEPARTMENT ON THE TAX INCREMENT
7 FINANCING PLAN.

8 (6) BEFORE A TAX INCREMENT FINANCING PLAN IS IMPLEMENTED, THE
9 DEPARTMENT SHALL ENTER INTO A CONTRACT WITH THE STREET RAILWAY
10 INCLUDED WITHIN THE ZONE. THE CONTRACT SHALL INCLUDE, BUT NOT BE
11 LIMITED TO, TERMS REGARDING THE DISTRIBUTION OF REVENUE.

12 (7) THE MUNICIPAL AND COUNTY TREASURERS SHALL TRANSMIT TAX
13 INCREMENT REVENUES TO THE STREET RAILWAY. THE STREET RAILWAY SHALL
14 EXPEND THE TAX INCREMENT REVENUES ONLY UNDER THE TERMS OF THE TAX
15 INCREMENT FINANCING PLAN. UNUSED FUNDS SHALL REVERT PROPORTIONATELY
16 TO THE RESPECTIVE TAXING BODIES. TAX INCREMENT REVENUES SHALL NOT
17 BE USED TO CIRCUMVENT EXISTING PROPERTY TAX LIMITATIONS. THE
18 DEPARTMENT MAY ABOLISH THE TAX INCREMENT FINANCING PLAN IF IT FINDS
19 THAT THE PURPOSES FOR WHICH IT WAS ESTABLISHED ARE ACCOMPLISHED.
20 ANNUALLY, THE STREET RAILWAY, WITH ASSISTANCE FROM THE DEPARTMENT,
21 SHALL SUBMIT TO THE DEPARTMENT AND THE STATE TAX COMMISSION A
22 REPORT ON THE STATUS OF THE TAX INCREMENT FINANCING REVENUE. THE
23 REPORT SHALL INCLUDE ALL OF THE FOLLOWING:

24 (A) THE AMOUNT AND SOURCE OF TAX INCREMENT REVENUE RECEIVED BY
25 THE STREET RAILWAY.

26 (B) THE AMOUNT AND PURPOSE OF EXPENDITURES FROM TAX INCREMENT
27 REVENUE.

1 (C) THE INITIAL ASSESSED VALUE OF THE ZONE.

2 (D) THE CAPTURED ASSESSED VALUE RETAINED WITHIN THE ZONE.

3 (E) A DESCRIPTION OF OPERATING EXPENDITURES OF THE STREET
4 RAILWAY.

5 (F) ANY ADDITIONAL INFORMATION THE DEPARTMENT OR STATE TAX
6 COMMISSION CONSIDERS NECESSARY.

7 (8) THE STATE TAX COMMISSION MAY INSTITUTE PROCEEDINGS TO
8 COMPEL ENFORCEMENT OF THIS SECTION. THE STATE TAX COMMISSION MAY
9 PROMULGATE RULES NECESSARY FOR THE ADMINISTRATION OF THIS SECTION
10 UNDER THE ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL
11 24.201 TO 24.328.

12 (9) THE DEPARTMENT OF TREASURY AND THE STATE TAX COMMISSION
13 MAY ASSIST THE DEPARTMENT IN PERFORMING DUTIES AND RESPONSIBILITIES
14 UNDER THIS SECTION.

15 (10) AS USED IN THIS SECTION:

16 (A) "ASSESSED VALUE" MEANS THE TAXABLE VALUE AS DETERMINED
17 UNDER SECTION 27A OF THE GENERAL PROPERTY TAX ACT, 1893 PA 206, MCL
18 211.27A.

19 (B) "CAPTURED ASSESSED VALUE" MEANS THE AMOUNT IN ANY 1 YEAR
20 BY WHICH THE CURRENT ASSESSED VALUE OF A ZONE, INCLUDING THE
21 ASSESSED VALUE OF PROPERTY FOR WHICH SPECIFIC LOCAL TAXES ARE PAID
22 IN LIEU OF PROPERTY TAXES, EXCEEDS THE INITIAL ASSESSED VALUE. THE
23 STATE TAX COMMISSION SHALL PRESCRIBE THE METHOD FOR CALCULATING
24 CAPTURED ASSESSED VALUE.

25 (C) "INITIAL ASSESSED VALUE" MEANS THE ASSESSED VALUE OF ALL
26 THE TAXABLE PROPERTY WITHIN THE BOUNDARIES OF A ZONE AT THE TIME
27 THE TAX INCREMENT FINANCING PLAN IS APPROVED BY THE DEPARTMENT, AS

1 SHOWN BY THE MOST RECENT ASSESSMENT ROLL OF THE MUNICIPALITY AT THE
2 TIME THE PLAN IS ADOPTED. PROPERTY EXEMPT FROM TAXATION AT THE TIME
3 OF THE DETERMINATION OF THE INITIAL ASSESSED VALUE SHALL BE
4 INCLUDED AS ZERO. FOR THE PURPOSE OF DETERMINING INITIAL ASSESSED
5 VALUE, PROPERTY FOR WHICH A SPECIFIC LOCAL TAX IS PAID IN LIEU OF A
6 PROPERTY TAX SHALL NOT BE CONSIDERED TO BE PROPERTY THAT IS EXEMPT
7 FROM TAXATION.

8 (D) "PARCEL" MEANS AN IDENTIFIABLE UNIT OF LAND THAT IS
9 TREATED AS SEPARATE FOR VALUATION OR ZONING PURPOSES.

10 (E) "SPECIFIC LOCAL TAX" MEANS A TAX LEVIED UNDER 1974 PA 198,
11 MCL 207.551 TO 207.572, THE COMMERCIAL REDEVELOPMENT ACT, 1978 PA
12 255, MCL 207.651 TO 207.668, THE TECHNOLOGY PARK DEVELOPMENT ACT,
13 1984 PA 385, MCL 207.701 TO 207.718, OR 1953 PA 189, MCL 211.181 TO
14 211.182. THE INITIAL ASSESSED VALUE OR CURRENT ASSESSED VALUE OF
15 PROPERTY SUBJECT TO A SPECIFIC LOCAL TAX SHALL BE THE QUOTIENT OF
16 THE SPECIFIC LOCAL TAX PAID DIVIDED BY THE AD VALOREM MILLAGE RATE.
17 THE STATE TAX COMMISSION SHALL PRESCRIBE THE METHOD FOR CALCULATING
18 THE INITIAL ASSESSED VALUE AND CURRENT ASSESSED VALUE OF PROPERTY
19 FOR WHICH A SPECIFIC LOCAL TAX WAS PAID IN LIEU OF A PROPERTY TAX.

20 (F) "STREET RAILWAY" ALSO INCLUDES A METROPOLITAN AUTHORITY
21 THAT IS THE SUCCESSOR OF THE RIGHTS AND INTERESTS OF A STREET
22 RAILWAY UNDER SECTION 27.

23 (G) "TAX INCREMENT REVENUES" MEANS THE AMOUNT OF AD VALOREM
24 PROPERTY TAXES AND SPECIFIC LOCAL TAXES ATTRIBUTABLE TO THE
25 APPLICATION OF THE LEVY OF ALL TAXING JURISDICTIONS UPON THE
26 CAPTURED ASSESSED VALUE OF REAL AND PERSONAL PROPERTY IN THE ZONE.
27 TAX INCREMENT REVENUES DO NOT INCLUDE ANY OF THE FOLLOWING:

1 (i) TAXES UNDER THE STATE EDUCATION TAX ACT, 1993 PA 331, MCL
2 211.901 TO 211.906.

3 (ii) TAXES LEVIED BY LOCAL OR INTERMEDIATE SCHOOL DISTRICTS.

4 (iii) AD VALOREM PROPERTY TAXES ATTRIBUTABLE EITHER TO A PORTION
5 OF THE CAPTURED ASSESSED VALUE SHARED WITH TAXING JURISDICTIONS
6 WITHIN THE JURISDICTIONAL AREA OF THE AUTHORITY OR TO A PORTION OF
7 VALUE OF PROPERTY THAT MAY BE EXCLUDED FROM CAPTURED ASSESSED VALUE
8 OR SPECIFIC LOCAL TAXES ATTRIBUTABLE TO THE AD VALOREM PROPERTY
9 TAXES.

10 (iv) AD VALOREM PROPERTY TAXES EXCLUDED BY THE TAX INCREMENT
11 FINANCING PLAN OF THE AUTHORITY FROM THE DETERMINATION OF THE
12 AMOUNT OF TAX INCREMENT REVENUES TO BE TRANSMITTED TO THE AUTHORITY
13 OR SPECIFIC LOCAL TAXES ATTRIBUTABLE TO THE AD VALOREM PROPERTY
14 TAXES.

15 (v) AD VALOREM PROPERTY TAXES EXEMPTED FROM CAPTURE UNDER
16 SUBSECTION (5) OR SPECIFIC LOCAL TAXES ATTRIBUTABLE TO THE AD
17 VALOREM PROPERTY TAXES.

18 (vi) AD VALOREM PROPERTY TAXES SPECIFICALLY LEVIED FOR THE
19 PAYMENT OF PRINCIPAL AND INTEREST OF OBLIGATIONS APPROVED BY THE
20 ELECTORS OR OBLIGATIONS PLEDGING THE UNLIMITED TAXING POWER OF THE
21 LOCAL GOVERNMENTAL UNIT OR SPECIFIC TAXES ATTRIBUTABLE TO THOSE AD
22 VALOREM PROPERTY TAXES.

23 (H) "ZONE" MEANS A TRANSIT DEVELOPMENT FINANCE ZONE
24 ESTABLISHED BY THE DEPARTMENT UNDER THIS SECTION.

25 ~~Sec. 25. On or before the second Monday in January in each~~
26 ~~year, it shall be the duty of the directors of every company formed~~
27 ~~under this act, to report to the secretary of state, under the oath~~

1 ~~of at least 2 of such directors—~~

2 ~~—— First. The amount of capital paid in;~~

3 ~~—— Second. The amount of the indebtedness of the company;~~

4 ~~—— Third. The length of road completed;~~

5 ~~—— Fourth. Cost of construction and equipment;~~

6 ~~—— Fifth. Gross receipts and earnings of the company for the past~~
7 ~~year;~~

8 ~~—— Sixth. Cost of operating the road for the past year;~~

9 ~~—— Seventh. Amount of dividends for the past year;~~

10 ~~—— Eighth. A list of stockholders, their name and residence. A~~

11 **STREET RAILWAY MAY TRANSFER ITS ASSETS, RIGHTS, AND INTERESTS,**
12 **INCLUDING, BUT NOT LIMITED TO, ASSETS, RIGHTS, AND INTERESTS IN A**
13 **STREET RAILWAY SYSTEM TO A METROPOLITAN AUTHORITY CREATED AFTER**
14 **SEPTEMBER 30, 2008.**

15 ~~Sec. 27. Every company incorporated under this act, for the~~
16 ~~purposes of constructing a railway, shall cease to be a body~~
17 ~~corporate, if within 1 year from the time of filing their articles~~
18 ~~of association with the secretary of state, they shall not have~~
19 ~~commenced the construction of their railway, and expended therein~~
20 ~~at least 10 per cent of their capital stock.~~

21 **(1) WITHIN 30 DAYS OF THE EFFECTIVE DATE OF THE AMENDATORY ACT**
22 **THAT ADDED SECTION 21, THE SECRETARY OF STATE OR ANY OTHER AGENCY**
23 **HAVING RECORDS OF A STREET RAILWAY COMPANY FORMED UNDER THIS ACT**
24 **PRIOR TO THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED**
25 **SECTION 21 SHALL CERTIFY AND TRANSFER THE RECORDS TO THE BUREAU OF**
26 **COMMERCIAL SERVICES OF THE DEPARTMENT OF LABOR AND ECONOMIC GROWTH.**

27 **(2) ANY ENTITY FORMED ON OR AFTER THE EFFECTIVE DATE OF THE**

1 AMENDATORY ACT THAT ADDED SECTION 21 FOR THE PURPOSE OF ACQUIRING,
2 OWNING, CONSTRUCTING, FURNISHING, EQUIPPING, COMPLETING, OPERATING,
3 IMPROVING, AND MAINTAINING A STREET RAILWAY OR STREET RAILWAY
4 SYSTEM SHALL BE ORGANIZED UNDER THIS ACT.

5 (3) A STREET RAILWAY IS NOT SUBJECT TO THE RAILROAD CODE OF
6 1993, 1993 PA 354, MCL 462.101 TO 462.451.

7 Enacting section 1. Sections 2, 4, 6, 8, 10, 12, 14, 16, 18,
8 20, 22, 24, 28, 29, 30, 31, 31a, 32, 34, 35, and 36 of 1867 PA 35,
9 MCL 472.2, 472.4, 472.6, 472.8, 472.10, 472.12, 472.14, 472.16,
10 472.18, 472.20, 472.22, 472.24, 472.28, 472.29, 472.30, 472.31,
11 472.31a, 472.32, 472.34, 472.35, and 472.36, are repealed.